

Sec. 52-a. Notwithstanding any other provision of this constitution, the legislature may provide for the creation of programs and the making of loans and grants of public money, other than money otherwise dedicated by this constitution to use for a different purpose, for the public purposes of development and diversification of the economy of the state, the elimination of unemployment or underemployment in the state, the stimulation of agricultural innovation, the fostering of the growth of enterprises based on agriculture, or the development or expansion of transportation or commerce in the state. Any bonds or other obligations of a county, municipality, or other political subdivision of the state that are issued for the purpose of making loans or grants in connection with a program authorized by the legislature under this section and that are payable from ad valorem taxes must be approved by a vote of the majority of the registered voters of the county, municipality, or political subdivision voting on the issue. *A program created or a loan or grant made as provided by this section that is not secured by a pledge of ad valorem taxes or financed by the issuance of any bonds or other obligations payable from ad valorem taxes of the political subdivision does not constitute or create a debt for the purpose of any provision of this constitution.* An enabling law enacted by the legislature in anticipation of the adoption of this amendment is not void because of its anticipatory character.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 8, 2005. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment clarifying that certain economic development programs do not constitute a debt."

Passed by the House on May 4, 2005: Yeas 121, Nays 12, 1 present, not voting; the House refused to concur in Senate amendments to H.J.R. No. 80 on May 27, 2005, and requested the appointment of a conference committee to consider the differences between the two houses; the House adopted the conference committee report on H.J.R. No. 80 on May 29, 2005: Yeas 135, Nays 7, 1 present, not voting; passed by the Senate, with amendments, on May 24, 2005: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; the Senate adopted the conference committee report on H.J.R. No. 80 on May 29, 2005: Yeas 31, Nays 0.

Filed with the Secretary of State June 6, 2005.

## H.J.R. No. 87

### A JOINT RESOLUTION

proposing a constitutional amendment relating to the membership of the State Commission on Judicial Conduct.

*BE IT RESOLVED BY THE Legislature of the State of Texas:*

SECTION 1. Sections 1-a(2) and (5), Article V, Texas Constitution, are amended to read as follows:

(2) The State Commission on Judicial Conduct consists of *thirteen (13)* ~~[eleven (11)]~~ members, to wit: (i) one (1) Justice of a Court of Appeals; (ii) one (1) District Judge; (iii) two (2) members of the State Bar, who have respectively practiced as such for over ten (10) consecutive years next preceding their selection; *(iv) five (5)* ~~[(iii) four (4)]~~ citizens, at least thirty (30) years of age, not licensed to practice law nor holding any salaried public office or employment; (v) one (1) Justice of the Peace; (vi) one (1) Judge of a Municipal Court; ~~[and,]~~ (vii) one (1) Judge of a County Court at Law; *and (viii) one (1) Judge of a Constitutional County Court;* provided that no person shall be or remain a member of the Commission, who does not maintain physical residence within this State, ~~[or who resides in, or holds a judgeship within or for, the same Supreme Judicial District as another member of the Commission,]~~ or who shall have ceased to retain the qualifications above specified for *that person's [his] respective class of membership, and provided that a Commissioner of class (i), (ii), (iii), (vii), or (viii) may not* ~~[except that the Justice of the Peace and the Judges of a Municipal Court and or a County Court at Law shall be selected at large without regard to whether they]~~ reside or hold a judgeship in the same court of appeals

PROPOSED CONSTITUTIONAL AMENDMENTS

H.J.R. 87, § 2

*district* [Supreme Judicial District] as another member of the Commission. Commissioners of classes (i), (ii), [and] (vii), and (viii) above shall be chosen by the Supreme Court with advice and consent of the Senate, those of class (iii) by the Board of Directors of the State Bar under regulations to be prescribed by the Supreme Court with advice and consent of the Senate, those of class (iv) [and] (v) by appointment of the Governor with advice and consent of the Senate, and the commissioners of classes (v) and (vi) by appointment of the Supreme Court as provided by law, with the advice and consent of the Senate.

(5) The Commission may hold its meetings, hearings and other proceedings at such times and places as it shall determine but shall meet at Austin at least once each year. It shall annually select one of its members as Chairman. A quorum shall consist of *seven* (?) [six (6)] members. Proceedings shall be by majority vote of those present, except that recommendations for retirement, censure, suspension, or removal of any person holding an office named in Paragraph A of Subsection (6) of this Section shall be by affirmative vote of at least *seven* (?) [six (6)] members.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 8, 2005. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment to include one additional public member and a constitutional county court judge in the membership of the State Commission on Judicial Conduct."

Passed by the House on April 25, 2005: Yeas 131, Nays 0, 2 present, not voting; the House concurred in Senate amendments to H.J.R. No. 87 on May 23, 2005: Yeas 143, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 20, 2005: Yeas 31, Nays 0.

Filed with the Secretary of State May 26, 2005.

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